

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2920*

House Bill No. 2880

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following new section:

(a) As used in this section, unless the context otherwise requires:

(1) "Adult" means a person eighteen (18) years of age or older;

(2) "Child" means a person less than thirteen (13) years of age;

(3) "Conveyance" means a motor vehicle, ship, vessel, railroad car, trailer, or aircraft;

(4) "Dwelling" means a structure, whether mobile or immobile, that is designed or used for human habitation and includes the premises immediately surrounding the dwelling;

(5) "Prior conviction" means an offense for which the defendant was convicted prior to the commission of the violation of this section and shall include convictions occurring prior to the effective date of this act.

"Prior conviction" includes convictions under the laws of any other state, government, or country which, if committed in this state, would have constituted a violation of one (1) of the sexual offenses enumerated in subsection (b) of this section. In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as one of the sexual offenses listed in subsection (b) of this section, the age of the victim and the elements of the offense in the other jurisdiction shall be used by the Tennessee court to

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determine if such offense constitutes one (1) of the prior convictions required by subsection (b) of this section.

(6) "Structure" means a roofed building, whether temporary or permanent, and includes the premises immediately surrounding the structure ;

(b) It is an offense for an adult with a prior conviction for a violation of Tennessee Code Annotated, Section 39-13-502, 39-13-503, 39-13-504, 39-13-505, 39-13-522, 39-17-1003, 39-17-1004, or 39-17-1005, committed against a child to lure or entice, or attempt to lure or entice, a child into a structure, dwelling or conveyance with the intent to commit an unlawful act with or against such child.

(c) If the defendant is charged with a violation of this section, the indictment, in a separate count, shall specify, charge and give notice of the required prior conviction or convictions. If the defendant is found beyond a reasonable doubt to have lured or enticed a child into a structure, dwelling or conveyance with the intent to commit an unlawful act with or against such child, the jury shall then separately consider whether the defendant has the requisite type of prior conviction necessary to constitute a violation of this section. If the jury convicts the defendant of a violation of this section, the court shall pronounce judgment and sentence the defendant from within the felony classification set out in subsection (d) of this section.

(d) A violation of this section is a Class E felony.

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SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.